



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, DECEMBER 16, 2010 3:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, December 16, 2010, in the Commission Chambers at City Hall. Chairman Roland Stults called the meeting to order at 3:30 p.m. The following Commission members were present:

Roland Stults
Jo Ann Heim
Donald Lukich
Clell Coleman
Agnes Berry
James Argento

City staff that was present included Bill Wiley, Director; Mike Miller, Planner; Amelia Serrano, Administrative Assistant II, and Fred Morrison, City Attorney.

The meeting opened with an invocation given by Commissioner Jo Ann Heim and the Pledge of Allegiance to the Flag.

Bill Wiley, Director, informed the audience of the rules of participation and the need to sign the speaker's registry. Bill Wiley also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Amelia Serrano swore in staff as well as anyone wishing to speak.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR NOVEMBER 18, 2010.

Commissioner James Argento moved to APPROVE the minutes as presented. Commissioner Donald Lukich SECONDED the motion, which was PASSED by a unanimous voice vote of 6 to 0.

OLD BUSINESS

1. PUBLIC HEARING CASE # 041-0-102110 - RECYCLABLE – 100, INC. – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 9.9 +/- ACRES FROM COUNTY URBAN EXPANSION TO CITY INDUSTRIAL FOR A PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF HAYWOOD WORM FARM ROAD, SOUTH OF ROGERS INDUSTRIAL PARK ROAD AND NORTH OF THE ARLINGTON RIDGE SUBDIVISION – (POSTPONED UNTIL THE JANUARY 20TH PLANNING COMMISSION MEETING)

Commissioner Agnes Berry made a motion to APPROVE the postponing of case # 041-0-102110 - RECYCLABLE – 100, INC – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT until the January 20th Planning Commission Meeting. Commissioner Donald Lukich SECONDED the motion which, PASSED by a voice vote of 6 to 0.

2. **PUBLIC HEARING CASE # 042-1-102110 – RECYCLABLE – 100, INC. - REZONING**
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 9.9 +/- ACRES FROM COUNTY MP (PLANNED INDUSTRIAL) TO CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FOR AN AGGREGATE PROCESSING PLANT FOR A PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF HAYWOOD WORM FARM ROAD, SOUTH OF ROGERS INDUSTRIAL PARK ROAD AND NORTH OF THE ARLINGTON RIDGE SUBDIVISION - **(POSTPONED UNTIL THE JANUARY 20TH PLANNING COMMISSION MEETING)**

Commissioner Agnes Berry made a motion to APPROVE the postponing of case # 042-1-102110 – RECYCLABLE – 100, INC – REZONING until the January 20th Planning Commission Meeting. Commissioner Donald Lukich SECONDED the motion which, PASSED by a voice vote of 6 to 0.

3. **PUBLIC HEARING CASE # 051-1-111810 – THE DIOCESE OF ORLANDO – REZONING**
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 38.70 +/- ACRES FROM COUNTY A (AGRICULTURE) TO CITY PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW A CATHOLIC CHURCH, ASSOCIATED SOCIAL HALL, PRIEST RESIDENCE, K-8 SCHOOL, DAYCARE, THRIFT STORE AND SENIOR HOUSING FOR A PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 27, SOUTH OF ARAPAHO TRAIL AND NORTH OF WINDSONG OAK DRIVE – **(POSTPONED AT THE APPLICANT’S REQUEST UNTIL THE JANUARY 20TH PLANNING COMMISSION MEETING)**

Commissioner Agnes Berry made a motion to APPROVE the postponing of case # 051-1-111810 – THE DIOCESE OF ORLANDO – REZONING until the January 20th Planning Commission Meeting. Commissioner Donald Lukich SECONDED the motion which, PASSED by a voice vote of 6 to 0.

NEW BUSINESS:

1. **PUBLIC HEARING CASE # 053-0-111810 - HERITAGE PROPANE – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT**
AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 2.09 +/- ACRES FROM COUNTY URBAN AND LAKE COUNTY EMPLOYMENT CENTER OVERLAY TO CITY INDUSTRIAL FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROAD 44, EAST OF EXECUTIVE BOULEVARD AND WEST OF PROGRESS ROAD – **(CITY COMMISSION DATES - 1st READING ON JANUARY 24, 2011 AND A 2ND READING ON FEBRUARY 14, 2011)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments were received from the departments and there were two public responses for approval received.

Mr. Wiley and the Planning & Zoning recommended the approval of the request for the following reasons:

1. This project meets the requirements of Chapter 163.3187(1)(c) Florida Statutes, for Small Scale Comprehensive Plan Amendments.

2. The proposed Future Land Use Designation of City Industrial is compatible with the adjacent properties to the north, south and east designated City Industrial. Furthermore, the property to the west is to be amended to City Industrial as well through a Small Scale Comprehensive Plan application. Additionally, this request does not appear to be detrimental to the surrounding properties.
3. The proposed Future Land Use Designation of City Industrial is compatible with the proposed zoning designation of City SPUD (Small Planned Unit Development)
4. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Donald Lukich asked whether we were just bringing this property into the city. Mr. Wiley confirmed they just voluntarily wanted to come into the city.

Commissioner Jo Ann Heim made a motion to APPROVE case # 053-0-111810 – HERITAGE PROPANE – SMALL SCALE COMPREHANSIVE PLAN AMENDMENT. Commissioner James Argento SECONDED the motion which, PASSED by a voice vote of 6 to 0.

2. PUBLIC HEARING CASE # 054-1-111810 – HERITAGE PROPANE - REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 2.09 +/- ACRES FROM COUNTY HM (HEAVY INDUSTRIAL) TO CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FOR A PROPANE SUPPLY AND RETAIL FACILITY FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROAD 44, EAST OF EXECUTIVE BOULEVARD AND WEST OF PROGRESS ROAD – **(CITY COMMISSION DATES - 1st READING ON JANUARY 24, 2011 AND A 2ND READING ON FEBRUARY 14, 2011)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, site photos, and SPUD conditions.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments were received from the departments and there were three public responses for approval received.

Mr. Wiley and the Planning & Zoning recommended the approval of the request for the following reasons:

1. The proposed zoning district of SPUD (Small Planned Unit Development) is compatible with adjacent properties zoning districts, as conditioned.
2. The proposed zoning district SPUD (Small Planned Unit Development) as conditioned and shown in the attached "Exhibit A" is compatible with the proposed City Future Land Use designation of Industrial.
3. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

with the following condition(s):

Staff recommends approval of the proposed rezoning subject to the "Heritage Propane Holdings, Inc. Planned Development Conditions" attached here to as Exhibit A, dated, December 16, 2010.

The conditions are the standard conditions, but Mr. Wiley highlighted a few:

3. LAND USES

The above-described property shall be used for SPUD (Small Planned Unit Development) uses as limited herein, and pursuant to City of Leesburg development codes and standards.

A. Uses

- 1) Uses shall be those listed as permitted uses in this document and shall occupy the approximate area as shown on the Conceptual Plan dated December 2010.
- 2) Permitted Uses shall be as follows:
 - a. Commercial and Light industrial uses including bulk and retail propane sales and service and associated uses.
- 3) Uses prohibited shall be as follows:
 - a. primary residential
 - b. medical patience facilities
 - c. group homes
 - d. entertainment/recreation including cinema or theater
 - e. places of worship
 - f. crematoriums
 - g. educational facilities
 - h. community services
 - i. social services
 - j. personal services
 - k. gas station or convenience stores
 - l. car wash
 - m. restaurants
 - n. transient accommodations
 - o. vehicle sales, service and repair
 - p. truck stops
 - q. animal hospitals and kennels
 - r. heavy industrial uses
 - s. stockpiling
 - t. all waste related services
 - u. Any other similar uses which are not considered office, commercial or light industrial in character or intensity which may adversely impact the adjoining properties do to traffic, noise, dust, etc.

4. SITE ACCESS

- A. Access to the property is currently available from the adjacent West Main Street (SR 44 West).

5. DEVELOPMENT STANDARDS

- A. The minimum development standards shall be those required for the SPUD district except as amended by these conditions including the Conceptual Plan.
- A. All operations shall be carried on entirely within an enclosed structure, except as permitted under accessory uses of Section 25-284, City of Leesburg Code of Ordinances, as amended.

Mr. Wiley also highlighted

10. LANDSCAPING AND BUFFER REQUIREMENTS

- A. All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances including;

- 1) For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances, as amended.
 - a. Two (2) canopy trees
 - b. Two (2) ornamental trees
 - c. Thirty (30) shrubs
 - d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
 - e. Existing vegetation in the required buffer shall be protected during construction.

And lastly he highlighted

12. OPERATIONAL REQUIREMENTS

- A. The applicant shall be subject to Section 12-19 Regulation of Public Nuisances of the City of Leesburg Code of Ordinances, as per attached Exhibit D.

13. MISCELLANEOUS CONDITIONS

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Development Conditions. Any other proposed use must be specifically authorized in accordance with the Planned Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.
- C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in this SPUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Unit Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- E. These SPUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

14. CONCURRENCY

As submitted, the proposed zoning change does not appear to result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

James Argento had a question about one of the responses that was received due to the associated phone number being from out of the area. It was explained to him that the letters are sent to the property owners and they do not necessarily live in the city.

Commissioner Donald Lukich made a motion to APPROVE case # 054-1-111810 – HERITAGE PROPANE – REZONING. Commissioner Jo Ann Heim SECONDED the motion which, PASSED by a voice vote of 6 to 0.

3. **PUBLIC HEARING CASE # 056-0-111810 - LEESBURG MOOSE LODGE #1271 – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 7 +/- ACRES FROM COUNTY URBAN, COUNTY URBAN EXPANSION AND LAKE COUNTY EMPLOYMENT CENTER OVERLAY TO CITY INDUSTRIAL FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROAD 44, EAST OF EXECUTIVE BOULEVARD AND WEST OF PROGRESS ROAD – **(CITY COMMISSION DATES - 1st READING ON JANUARY 24, 2011 AND A 2ND READING ON FEBRUARY 14, 2011)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

1. This project meets the requirements of Chapter 163.3187(1)(c) Florida Statutes, for Small Scale Comprehensive Plan Amendments.
2. The proposed Future Land Use Designation of City Industrial is compatible with the adjacent properties to the north and south designated City Industrial and to the property to the west designated as County Urban Expansion. Furthermore, the property to the east is to be amended to City Industrial as well through a Small Scale Comprehensive Plan application. Additionally, this request does not appear to be detrimental to the surrounding properties.
3. The proposed Future Land Use Designation of City Industrial is compatible with the proposed zoning designation of City SPUD (Small Planned Unit Development)
4. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

No substantive comments were received from the departments and there were three public responses for approval received.

Mr. Lukich asked about the purpose of bringing this property into the city and it was explained to him that it was voluntary. Mr. Wiley explained that originally it started out being the Moose Lodge wanting to come into the city and since the propane company was between them and the city limits the suggestion was made to ask the propane company if they wanted to join as well.

Commissioner Donald Lukich made a motion to APPROVE case # 056-0-111810 – LEESBURG MOOSE LODGE #1271 – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Agnes Berry SECONDED the motion which PASSED by a voice vote of 6 to 0.

4. **PUBLIC HEARING CASE # 057-1-111810 – LEESBURG MOOSE LODGE #1271 - REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 7 +/- ACRES FROM COUNTY LM (LIGHT INDUSTRIAL) TO CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW A SOCIAL CLUB/LODGE WITH ALCOHOL SALES FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROAD 44, EAST OF EXECUTIVE BOULEVARD AND WEST OF PROGRESS ROAD – **(CITY COMMISSION DATES - 1st READING ON JANUARY 24, 2011 AND A 2ND READING ON FEBRUARY 14, 2011)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone

and wetlands map, site photos, and SPUD conditions.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments received from the departments and there were two public responses for approval received.

1. The proposed zoning district of SPUD (Small Planned Unit Development) is compatible with adjacent properties zoning districts, as conditioned.
2. The proposed zoning district SPUD (Small Planned Unit Development) as conditioned and shown in the attached "Exhibit A" is compatible with the proposed City Future Land Use designation of Industrial.
3. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

with the following condition(s):

1. Vote to approve the proposed rezoning from County HM (Heavy Industrial) to City SPUD (Small Planned Unit Development) subject to the property receiving approval from the City Commission of an annexation under case number 058-4-111810, and a future land use designation of City Industrial under case number 056-0-111810 and forward to the City Commission for consideration.

Mr. Wiley highlighted some of the SPUD conditions which again are standard, but a few were pertinent to this case.

3. LAND USES

The above-described property shall be used for SPUD (Small Planned Unit Development) uses as limited herein, and pursuant to City of Leesburg development codes and standards.

B. Uses

- 1) Uses shall be those listed as permitted uses in this document and shall occupy the approximate area as shown on the Conceptual Plan dated December 2010.
- 2) Permitted Uses shall be as follows:
 - a. Commercial and Light industrial uses including not-for-profit lodge/civic group and associated uses.
- 3) Uses prohibited shall be as follows:
 - a. primary residential
 - b. medical patience facilities
 - c. group homes
 - d. places of worship
 - e. crematoriums
 - f. educational facilities
 - g. personal services
 - h. gas station or convenience stores
 - i. car wash
 - j. restaurants
 - k. transient accommodations
 - l. vehicle sales, service and repair
 - m. truck stops
 - n. animal hospitals and kennels

- o. heavy industrial uses
- p. stockpiling
- q. all waste related services
- r. Any other similar uses which are not considered office, commercial or light industrial in character or intensity which may adversely impact the adjoining properties do to traffic, noise, dust, etc.

Out of concern for the applicant, on the record the use of temporary RV parking is permitted and the use of a night watchman is also permitted in the PUD rights so it is not listed in the conditions.

Mr. Lukich asked about the landscaping requirements and if there was a problem with the current landscaping. Mr. Wiley explained they were standard conditions, but due to this being an existing property no changes needed to be made.

Commissioner Jo Ann Heim made a motion to APPROVE case # 057-1-111810 – LEESBURG MOOSE LODGE #1271 – REZONING. Commissioner James Argento SECONDED the motion which PASSED by a voice vote of 6 to 0.

5. PUBLIC HEARING CASE # 064-1-121610 – PAQUETTE PROPERTY - REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 25 +/- ACRES FROM COUNTY R-6 (RURAL RESIDENTIAL DISTRICT) AND COUNTY A (AGRICULTURE) TO CITY PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR AN INDUSTRIAL/COMMERCIAL PARK FOR A PROPERTY LOCATED ON THE NORTH SIDE OF STATE ROAD 44 ADJACENT TO EXECUTIVE BOULEVARD, EAST OF WHITNEY ROAD – **(CITY COMMISSION DATES - 1st READING ON JANUARY 24, 2011 AND A 2ND READING ON FEBRUARY 14, 2011)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, future land use and zoning map, surrounding land use map, wetlands, flood zones, and lakes map, site photos and PUD conditions.

Mike Miller presented the following items on the overhead, general location map, aerial photo, future land use and zoning map, surrounding land use map, wetlands, flood zones, and lakes map, and site photos.

No substantive comments received from the departments and there were two public responses for approval received.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

1. The proposed zoning district of PUD (Planned Unit Development) is compatible with adjacent properties zoning districts, as conditioned.
2. The proposed zoning district PUD (Planned Unit Development) as conditioned and shown in the attached “Exhibit A” is compatible with the proposed City Future Land Use designation of Industrial.
3. The rezoning of the subject properties is consistent with the City’s Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

with the following condition(s):

1. Vote to approve the proposed rezoning from County R-6 (Rural Residential) and County A (Agriculture) to City SPUD (Small Planned Unit Development) subject to the property receiving approval from the City Commission of an annexation under case number 065-4-121610, and a future land use designation of City Industrial under case number 063-0-121610 and forward to the City Commission for consideration.

The conditions are standard, but Mr. Wiley highlighted a few pertinent ones.

3. LAND USES

The above-described property shall be used for PUD (Planned Unit Development) uses as limited herein, and pursuant to City of Leesburg development codes and standards.

A. Uses

- 1) Uses shall be those listed as permitted uses in this document and shall occupy the approximate area as shown on the Conceptual Plan Exhibit C dated July 2005.
- 2) Permitted Uses shall be as follows:
 - a. Office, commercial and light industrial uses and associated uses by these conditions.
- 3) Uses prohibited shall be as follows:
 - a. primary residential
 - b. medical patience facilities
 - c. group homes
 - d. entertainment/recreation including cinema or theater
 - e. places of worship
 - f. crematoriums
 - g. educational facilities
 - h. community services
 - i. social services
 - j. personal services
 - k. gas station or convenience stores
 - l. car wash
 - m. restaurants
 - n. transient accommodations
 - o. vehicle sales, service and repair
 - p. truck stops
 - q. animal hospitals and kennels
 - r. heavy industrial uses
 - s. stockpiling
 - t. all waste related services
 - u. Any other similar uses which are not considered office, commercial or light industrial in character or intensity which may adversely impact the adjoining properties do to traffic, noise, dust, etc.
- 4) The following uses shall be permitted only as accessory uses:
 - a. residential (security/care taker)
 - b. day cares
 - c. educational facilities
 - d. restaurants
 - e. open storage with screening
 - f. vehicle sales, service and repair
 - g. car wash

5. DEVELOPMENT STANDARDS

- A. The minimum development standards shall be those required for the PUD district except as amended by these conditions.

- B. All operations shall be carried on entirely within an enclosed structure, except as permitted under accessory uses of Section 25-284, City of Leesburg Code of Ordinances, as amended.
 - C. Outdoor storage areas shall be completely screened from adjacent properties.
 - D. Areas of property not occupied by structures or paving shall be grassed and landscaped and maintained in accordance with City of Leesburg Code of Ordinances, as amended.
9. TRANSPORTATION
- A. Development of the property shall require a traffic study unless a transportation study waiver is granted from the Lake-Sumter MPO exempting the project based on the use of the property and substantiation of minimum change in traffic impacts.
 - B. Traffic shall be prohibited from traveling on Veech Road and Jones Drive except for emergency vehicles, if required.
 - C. The Permittee shall provide all necessary improvements/signalization within and adjacent to the development as required by Florida Department of Transportation, Lake County, the MPO and City of Leesburg.
10. LANDSCAPING AND BUFFER REQUIREMENTS
- A. A minimum twenty-five (25) foot buffer shall be provided along C.R. 44. Said buffer shall include a landscape berm, fence or wall with planting as provided below. However, existing natural buffer areas that meet the intent of the code because of existing tree cover meeting the referenced requirements may be approved by the Community Development Director
 - B. An eight foot high solid decorative white PVC fence with decorative posts and caps with landscaping as seen on Exhibit D shall be constructed along all property boundaries not designated as industrial areas.
 - C. Variations to the landscape and buffer requirements of the code may be approved by the Community Development Director because of the existing development of the property as long as the intent of the SPUD and the Code are maintained.
11. MAINTENANCE
- A. With the exception of public utilities, maintenance of all site improvements, including but not limited to drives, internal sidewalks, landscaping and drainage shall be the responsibility of the owner.
12. OPERATIONAL REQUIREMENTS
- A. The owner shall not, in the course of conducting any commercial or industrial activity, make or cause to be made a noise/vibration/dust disturbance which disturbs, destroys, or endangers the comfort, health, peace, or safety of others within any residential districts. If recurring formal written complaints from multiple complainants in residential areas related to noise or other disturbances emanating from the operation are received by city staff. The owner shall have seven (7) days to demonstrate that adequate measures have been taken to alleviate the source of the disturbance which gave rise to the recurring complaints. If in the opinion of the Community Development Director, the disturbances have not been corrected, the owner will be scheduled for the next available Planning Commission meeting to determine the appropriate action necessary to alleviate the disturbance.
 - B. A noise/vibration/dust and/or traffic study by the applicant may be required to ensure compliance with this section if reoccurring formal written complaints from multiple complainants related to traffic, noise/vibration/dust are received by the City. The applicant shall have the right to a hearing on the requirement for the referenced study before Planning Commission if they believe the complaints are not valid.
 - C. The operation of machinery or equipment shall be restricted to the interior of buildings, except for the use of forklifts etc. to receive and ship products.
 - D. No activity including but not limited to loading and unloading, truck traffic, storage, forklifts etc.

shall occur in the buffer set back area, as described per Section 10. LANDSCAPING AND BUFFER REQUIREMENTS above.

- E. The applicant shall be subject to Section 12-19 Regulation of Public Nuisances of the City of Leesburg Code of Ordinances, as per attached Exhibit E.

14. CONCURRENCY

As submitted, the proposed zoning change does not appear to result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (site plan and building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

A. Utilities

1) Projected Capacities

- a. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
- b. The development will require construction of new distribution mains, since existing facilities in the service area are not adequate. Should the developer wish to accelerate the construction of such facilities to provide service, the developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.
- c. The City is in the process of Consumptive Use Permit renewal. The application provides for anticipated demands due to this and other potential development.

B. Commitment of Capacity

There are no previous commitments of any existing or planned excess capacity.

C. Ability to Provide Services

- 1) The City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.
- 2) The City updates its Ten-Year Capital Improvement Plan (CIP) as part of our annual budgetary process. Included within the CIP are water, wastewater, and reclaimed water improvements necessary to provide service to proposed development.
- 3) The City has completed an impact fee study, based in part on the CIP in order to assure adequate and appropriate funding for required improvements. The combination of master planning and CIP planning has allowed the City to issue bonds to fund new potable water facilities and substantial reuse facilities, among other infrastructure improvements.

Mr. Lukich asked about the division of the lots and what will happen. Mr. Wiley explained that before any changes are made with the land as far as developing it all plans would have to go through review.

Mr. Wiley then spoke about a concern the applicant had as to if their plans changed in the future and industrial wasn't the best use of the land that if someone came to them with a better use for the land then could an amendment be made. He was told he could and Mr. Lukich agreed that the request was not unreasonable.

Commissioner Clell Coleman made a motion to APPROVE case # 064-1-121610 – PAQUETTE PROPERTY – REZONING. Commissioner Donald Lukich SECONDED the motion which, PASSED by a voice vote of 6 to 0.

Discussion:

Mr. Wiley reiterated that the cases for The Diocese of Orlando and Recyclable 100, Inc. should both be on the January agenda. There is expected to be a large group showing interest in these cases.

The next scheduled meeting date is January 20, 2011.

The meeting adjourned at 4:10 p.m.

Roland Stults III, Chairperson

Jo Ann Heim, Vice Chairperson

Amelia Serrano, Administrative Assistant II